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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
9

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 BRANDON LAMAR PRUITT,
14 Defendant.
15

Case No. 2:16-cr-285-APG-NJK

**Stipulation to Stay Briefing on
Remand pending Resolution of
Petition for Certioari**

16 IT IS HEREBY STIPULATED AND AGREED, by and between
17 Christopher Chiou, Acting United States Attorney, and Elham Roohani,
18 Assistant United States Attorney, counsel for the United States of America, and
19 Rene L. Valladares, Federal Public Defender, and Wendi L. Overmyer, Assistant
20 Federal Public Defender, counsel for Brandon Lamar Pruitt, that the current
21 briefing schedule on remand—providing that the parties file a stipulation for
22 items agreed upon by August 13, 2021 and briefing for items not agreed upon by
23 August 20, 2021 (ECF No. 258)—be stayed pending resolution of Mr. Pruitt’s
24 forthcoming petition for certiorari to the United States Supreme Court. The
25 parties further stipulate Mr. Pruitt will notify this Court within 14 days of
26 resolution of the petition.

1 The Stipulation is entered into for the following reasons:

2 1. Mr. Pruitt appealed his conviction and sentence (ECF No. 216) to
3 the United States Court of Appeals for the Ninth Circuit. *United States v. Pruitt*,
4 No. 19-10125 (9th Cir.). The Ninth Circuit affirmed in part and vacated in part,
5 entering a limited remand to conform the written judgment to this Court's oral
6 sentence for certain supervision conditions and for consideration of an
7 obstruction sentencing enhancement. Memorandum, *United States v. Pruitt*, No.
8 19-10125, 839 F. App'x 90, 95 (9th Cir. 2020). The Ninth Circuit denied Mr.
9 Pruitt's petition for rehearing and en banc review. Order, *United States v. Pruitt*,
10 No. 19-10125, Dkt. 74 (9th Cir. June 29, 2021). This Court subsequently ordered
11 the parties to file a stipulation for remand items agreed upon by August 13, 2021
12 and briefing for items not agreed upon by August 20, 2021. ECF No. 258.

13 2. Mr. Pruitt intends to file a petition for certiorari with the Supreme
14 Court. Mr. Pruitt has until September 27, 2021 to file his petition. Sup. Ct. R.
15 13.

16 3. Given that Mr. Pruitt intends to seek further review of his
17 conviction and sentence, the parties now stipulate to stay the briefing schedule
18 on remand (ECF No. 258) pending resolution of Mr. Pruitt's forthcoming petition
19 for certiorari. Mr. Pruitt will notify this Court within 14 days of the Supreme
20 Court's resolution of his petition.

21 4. The Government does not oppose the stay of the briefing schedule
22 pending resolution of Mr. Pruitt's forthcoming petition for certiorari.
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Dated: July 27, 2021.

RENE L. VALLADARES
Federal Public Defender

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ Wendi L. Overmyer
By _____
WENDI L. OVERMYER
Assistant Federal Public Defender

/s/ Elham Roohani
By _____
ELHAM ROOHANI
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 BRANDON LAMAR PRUITT,

8 Defendant.
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ORDER

10 Based on the pending Stipulation of counsel, and good cause appearing
11 therefore, the Court finds that:

12 IT IS THEREFORE ORDERED that the current briefing schedule on
13 remand—providing that the parties file a stipulation for items agreed upon by
14 August 13, 2021 and briefing for items not agreed upon by August 20, 2021 (ECF
15 No. 258)—be stayed pending resolution of Mr. Pruitt’s forthcoming petition for
16 certiorari to the United States Supreme Court. The Court further orders
17 Mr. Pruitt to notify this Court within 14 days of resolution of the petition.

18 DATED this 27th of July, 2021.

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20 UNITED STATES DISTRICT JUDGE
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